

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ANTONIA GARCIA MENDOZA; and
FRANCISCO MORENO MAGANA,

Plaintiffs,

v.

QUALITY LOAN SERVICE CORP
OF WASHINGTON; QBE
INSURANCE; BALBOA
INSURANCE; and PARAGON
CLAIMS,

Defendants.

NO: 1:15-CV-3009-TOR

ORDER OF DISMISSAL

On October 30, 2015, the Court held a telephonic status conference. *See* ECF No. 41. Jeremy H. Rogers appeared on behalf of Defendants QBE Insurance and Balboa Insurance. Lance E. Olson appeared on behalf of Defendant Quality Loan Service Corp. of Washington. Plaintiffs, who are purportedly proceeding *pro se*, failed to make an appearance.

It has become apparent that the named Plaintiffs are not conducting this case. The case is currently being prosecuted by a third party, Wayne Rudder. *See*

1 ECF No. 38 at ¶¶ 3-a; 3-c (explaining Wayne Rudder claims to be representing the
2 interests of the Plaintiffs through a power-of-attorney and refuses to provide
3 Plaintiffs' contact information to Defendants' counsel). Mr. Rudder is neither a
4 Washington attorney nor admitted to practice before this Court. As this Court
5 explained in its August 4, 2015 Order, *see* ECF No. 36 at 19-20, non-lawyers have
6 no authority to prosecute lawsuits on behalf of other individuals even where the
7 non-lawyer has been granted a power of attorney. *See, e.g., Johns v. Cnty. of San*
8 *Diego*, 114 F.3d 874, 877 (9th Cir. 1997). Importantly, the practice of law by non-
9 lawyers is also a crime under Washington State law. RCW 2.48.180(3)(a). At this
10 time, Defendants do not request further sanctions, but this Court will refer this
11 matter to the Washington State Bar for further investigation.

12 It appears from the record before the Court that Mr. Rudder has been forging
13 the Plaintiffs' signatures and prosecuting this matter without their knowledge.
14 Because Mr. Rudder has no authority to bring claims on behalf of Plaintiffs, all
15 claims asserted in this action are dismissed. *See Thompson v. Hous. Auth. of City*
16 *of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986) ("District courts have inherent
17 power to control their dockets.").

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1 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 2 1. All claims and causes of action in this matter are **DISMISSED** without
3 prejudice.
- 4 2. The District Court Executive is directed to enter this order and judgment
5 accordingly, furnish copies to counsel and Plaintiffs, mail a copy of this
6 Order to the Disciplinary Counsel of the Washington State Bar
7 Association, and **CLOSE** this file.

8 **DATED** November 4, 2015.



A handwritten signature in blue ink that reads "Thomas O. Rice".

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10 THOMAS O. RICE
11 United States District Judge